

IN THE MATTER between **NTHC**, Applicant, and **DM and DC**, Respondents.

AND IN THE MATTER of the **Residential Tenancies Act** R.S.N.W.T. 1988, Chapter R-5
(the "Act");

AND IN THE MATTER of a hearing before **Adelle Guigon**, Rental Officer,

BETWEEN:

NTHC

Applicant/Landlord

-and-

DM and DC

Respondents/Tenants

REASONS FOR DECISION

<u>Date of the Hearing:</u>	January 23, 2019
<u>Place of the Hearing:</u>	Yellowknife, Northwest Territories
<u>Appearances at Hearing:</u>	EN, representing the Applicant BK, representing the Applicant DM, Respondent DC, Respondent
<u>Date of Decision:</u>	January 23, 2019

REASONS FOR DECISION

An application to a rental officer made by LHA on behalf of the NTHC as the Applicant/Landlord against DM and DC as the Respondents/Tenants was filed by the Rental Office October 26, 2018. The application was made regarding a residential tenancy agreement for a rental premises located in Lutselk'e, Northwest Territories. The filed application was served on the Respondents by registered mail signed for November 30, 2018.

The Applicant alleged the Respondents had been repeatedly late paying rent, had accumulated rental arrears, and had failed to comply with a rental officer order. An order was sought for payment of the rental arrears, payment of future rent on time, termination of the tenancy agreement, eviction, and compensation for use and occupation of the rental premises.

A hearing scheduled for December 19, 2018, was adjourned to a future date due to a funeral occurring in the community on that day. The hearing was re-scheduled to January 23, 2019, by three-way teleconference. EN and BK appeared representing the Applicant. DM and DC appeared as Respondents.

Tenancy agreement

The parties agreed and evidence was presented establishing a residential tenancy agreement between them for subsidized housing under the Supported Lease Program (SLP) commencing July 1, 2006. I am satisfied a valid tenancy agreement is in place in accordance with the *Residential Tenancies Act* (the Act).

Previous orders

Rental Officer Order Number 10-12876 issued June 19, 2012, required the Respondents to pay rental arrears in the amount of \$12,727 in minimum monthly installments of \$150 starting in July 2012, required the Respondents to comply with their obligation to report their household income and not to breach that obligation again, and required the Respondents to pay their rent on time in the future.

Rental Officer Order Number 10-14220 issued September 23, 2014, rescinded paragraph 1 of Rental Officer Order Number 10-12876, required the Respondents to pay rental arrears in the amount of \$32,061 in minimum monthly installments of \$200 starting in October 2014, required the Respondents to pay their rent on time in the future, and terminated the tenancy agreement March 31, 2015, unless the minimum monthly installments and rents were paid on time. Despite the Respondent's failure to comply with payment requirements of this order, the Applicant did not enforce the termination order, effectively reinstating the tenancy agreement as of April 1, 2015.

Rental arrears

The lease balance statements entered into evidence represent the Landlord's accounting of monthly assessed rents and payments received against the Respondent's rent account. All rents have been subsidized and are currently assessed at \$300 per month. The current balance of rental arrears represents approximately 9.3 years' subsidized rent. To reference the pattern of payments, no payments have been received in 32 of the last 36 months of the tenancy.

The Respondents did not dispute the accuracy of the Landlord's accounting, acknowledging the debt and accepting responsibility for it. They committed to making regular payments, but have been having difficulties with the method of payment available to them in the community. They were unaware until this hearing that they had additional options beyond paying their rent at the local Co-op, and could arrange for electronic funds transfers or pay directly to the local housing organization office. The Respondents have been more successful since September 2018 at making payments every month.

The Applicant's representatives indicated they were pleased with the Respondents' progress to date. Despite the substantial amount of rental arrears, in recognition of the Respondents' recent efforts at both making payments and staying in communication with the Landlord, the Applicant's representatives withdrew their request for termination of the tenancy agreement and eviction.

I am satisfied the lease balance statements accurately reflect the current status of the Respondents' rent account. I find the Respondents have failed to comply with a rental officer order to pay minimum monthly installments towards their rental arrears and to pay future rent on time. I find the Respondents have repeatedly failed to pay the rent. I find the Respondents have accumulated rental arrears in the amount of \$33,461. I am satisfied there is justification for rescinding paragraph 1 of Rental Officer Order Number 10-14220 and replacing it with an order for lump sum payment of the rental arrears.

Orders

An order will issue rescinding paragraph 1 of Rental Officer Order Number 10-14220, requiring the Respondents to pay rental arrears in the amount of \$33,461, and requiring the Respondents to pay future rent on time.

Adelle Guigon
Rental Officer